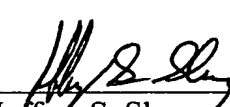


#10/A J08
4/26/01
PATENT

Atty. Docket No.: 13024/35946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	)	I hereby certify that this paper is being
McMichael, J. <i>et al.</i>	)	deposited with the United States Postal
Serial No.: 09/495,186	)	Service with sufficient postage as first
Filed: February 1, 2000	)	class mail in an envelope addressed to:
For: TREATMENT OF SYMPTOMS	)	Assistant Commissioner for Patents,
OF ASTHMA, ALLERGIES AND	)	Washington, D.C. 20231 on this date:
OTITIS MEDIA)	
Group Art Unit: 1633	)	April 18, 2001
Examiner: Wilson, M.)	
	)	Jeffrey S. Sharp
	)	Registration No. 31,879
	)	Attorney for Applicants

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action dated October 18, 2000 in which all pending claims (1-20) stand rejected under one or more of 35 U.S.C. §§112 (first and second paragraphs) 102(e), 103(a), and under the judicially created doctrine of obviousness-type double patenting. This response is timely filed as a petition for three months extension of time to April 18, 2001 is submitted herewith. Reconsideration and allowance of the claims is solicited in light of the following remarks.

AMENDMENTS

Please amend claims 1, 8 and 15 as set out below:

A1
SUB
C3

1. [AMENDED] A method for treating allergy symptoms in a patient, comprising the step of:

administering in a manner so as not to effect gene transfer an effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having allergy symptoms such that the allergy symptoms not associated with respiratory congestion are reduced.

A2
SUB
C4

8. [AMENDED] A method for treating asthma symptoms not associated with respiratory congestion in a patient, comprising the steps of:

administering in a manner so as not to effect gene transfer a therapeutically effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having asthma symptoms such that the asthma symptoms not associated with respiratory congestion are reduced.

A3
SUB
D1

15. [AMENDED] A method for treating symptoms of otitis media, comprising the step of:

administering eardrops to the ear in a manner so as not to effect gene transfer an effective amount of DNA in a pharmaceutically-acceptable vehicle to a patient having otitis media such that pain symptoms associated with otitis media are reduced.

REMARKS

I. Preliminary Comments

Claims 1, 8 and 15 have been amended to recite the step of a therapeutic effect and claims 1 and 8 have been amended to clarify that the symptoms treated are other than those associated with respiratory congestion because treatment of respiratory congestion symptoms are the subject of other issued patents to McMichael.